

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
MIDLAND-ODESSA DIVISION**

MICHAEL DEAN GONZALES,	§	
Plaintiffs,	§	
	§	
v.	§	CIVIL ACTION NO. 7:22-CV-046
	§	
WOODSON ERICH DRYDEN, et al.,	§	
Defendants.	§	

AGREED MOTION TO EXTEND DEADLINE FOR RESPONSIVE PLEADINGS

I. STATEMENT OF THE CASE

Plaintiff filed suit on March 1, 2022, challenging the facial and as-applied constitutionality of Texas Code of Criminal Procedure Chapter 64.¹ At the time suit was filed, Plaintiff was scheduled for execution by the State of Texas, and Plaintiff was denied DNA testing by a Texas district court.² Two days after suit was filed, the Texas Court of Criminal Appeals affirmed the lower court's order denying DNA testing pursuant to Chapter 64.³ On the same day the Court of Criminal Appeals also partially remanded Plaintiff's habeas corpus application on separate grounds, and stayed Plaintiff's execution.⁴ On March 18, 2022, Plaintiff filed a motion for rehearing of the Court of Criminal Appeal's order affirming denial of DNA testing.

¹ Doc. 1 (Chapter 64 provides for post-conviction forensic DNA testing in limited circumstances).

² Id. at 2-3.

³ Gonzales v. State, No. AP-77,104, 2022 WL 663806, 2022 Tex. Crim. App. Unpub. LEXIS 119 (Tex. Crim. App., Mar. 3, 2022).

⁴ Ex parte Gonzales, No. WR-40,541-07, 2022 WL 628505, 2022 Tex Crim. App. Unpub. LEXIS 116 (Tex. Crim. App., Mar. 3, 2022).

Defendant Steven McCraw was served with process in this matter, and he is due to file responsive pleadings on March 23, 2022. The remaining defendants executed waivers of service, and they are due to respond to Plaintiff's complaint on May 2, 2022.

**II. AGREED MOTION TO EXTEND DEADLINE
FOR McCRAW'S RESPONSIVE PLEADINGS**

Plaintiff and Defendant McCraw agree that the motion for rehearing currently pending before the Texas Court of Criminal Appeals directly impacts issues of fact and standing in this matter. The parties agree that it is futile for Defendant McCraw to respond to pleadings that already require amendment, will likely require further amendment as facts develop, and assert claims which are not yet ripe for the Court's consideration.

Considering the foregoing, Defendant McCraw moves to extend the due date for his responsive pleadings in this matter to May 2, 2022. Plaintiff agrees to the relief requested.

Respectfully submitted,

KEN PAXTON
Attorney General of Texas

BRENT WEBSTER
First Assistant Attorney General

GRANT DORFMAN
Deputy First Assistant Attorney General

SHAWN COWLES
Deputy Attorney General for Civil Litigation

SHANNA E. MOLINARE
Division Chief
Law Enforcement Defense Division

/s/ CHRISTOPHER LEE LINDSEY
CHRISTOPHER LEE LINDSEY
Assistant Attorney General

State Bar No. 24065628

P.O. Box 12548, Capitol Station
Austin, Texas 78711
(512) 463-2080 (Phone No.)
(512) 936-2109 (Fax No.)

ATTORNEYS FOR McCRAW

CERTIFICATE OF CONFERENCE

I, **CHRISTOPHER LEE LINDSEY**, Assistant Attorney General, do hereby certify that I have conferred with counsel for Plaintiff regarding the relief requested. Plaintiff is agreed.

/s/CHRISTOPHER LEE LINDSEY
CHRISTOPHER LEE LINDSEY
Assistant Attorney General

CERTIFICATE OF SERVICE

I, **CHRISTOPHER LEE LINDSEY**, Assistant Attorney General, do hereby certify that a true and correct copy of the foregoing has been served on all parties by electronic servicing on this 18th day of March, 2022.

/s/CHRISTOPHER LEE LINDSEY
CHRISTOPHER LEE LINDSEY
Assistant Attorney General